

Art Unit 2182
Serial No. 10/815,516

Reply to Office Action of: October 12, 2006
Attorney Docket No.: K35A1500

REMARKS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The applicant submitted a supplemental Information Disclosure Statement (IDS) on 10/09/2006. The applicant respectfully requests the examiner consider the IDS and provide an initialed copy of form PTO-1449 in the next office action.

REJECTION UNDER 35 USC § 102

The examiner rejected claims 1, 2, 13, 18 and 19 under 35 U.S.C. § 102(e) as anticipated by King (US 7,013,336). The applicant respectfully disagrees.

The examiner asserts that King discloses a method of displaying states of a peripheral data storage system having a user-actuated signaling subsystem (Fig. 3, element 140, the SAF-TE Processor (SEP)). In addition, the examiner asserts that King discloses to display a second display state if the peripheral data storage system is in a state corresponding to receiving a signal from the user-actuated signaling subsystem (col. 6, lines 18-25). However, the SEP 140 disclosed in Fig. 3 of King cannot be considered a user-actuated signaling subsystem because the SEP 140 receives signals from a host rather than from a user. The examiner's own characterization of King supports this interpretation on page 3 of the office action where the examiner asserts that the "SEP receives data from host for various statuses". See also col. 3, line 37, wherein King discloses that "[a]ll communication is initiated by the host" rather than through a user-actuated signaling subsystem as recited in the claims. The rejection should therefore be withdrawn.

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REJECTION UNDER 35 USC § 103

The examiner rejected claims 3-9 under 35 U.S.C. § 103(a) as unpatentable over King in view of Suzuki et al. (US 2005/0128626). The rejection should be withdrawn for at least the reasons set forth above, as Suzuki does not disclose those limitations in Claim 1 that are not disclosed in King.

The examiner rejected claims 10-12 and 14-17 under 35 U.S.C. § 103(a) as unpatentable over King. The applicant respectfully disagrees.

Regarding claims 10-12 and 15-17, King does not disclose a peripheral data storage system that includes a user-actuated signaling subsystem (as described above), let alone to receive a user-inputted request through the user-actuated signaling subsystem to perform a task, such as mounting and dismounting, a host-scheduled backup operation, or an on-demand backup operation. The examiner asserts these limitations are inherently obvious because the tasks are well known in the art of peripheral storage subsystems. However, the mere fact that the tasks are well known does not mean that receiving a user-inputted request through a user-actuated signaling subsystem to initiate one of the tasks is well known. The examiner should identify specifically where the prior art discloses or suggests this limitation, or withdraw the rejection.

Regarding claim 14, the examiner asserts that the recited "handshaking" between the peripheral storage subsystem and host would have been obvious to a person of ordinary skill in the art. However, as described above, King does not disclose a peripheral storage subsystem including a user-actuated signaling subsystem, let alone to communicate a signal received through the user-actuated signaling subsystem to a host, or to receive an acknowledgement signal from the host. "The mere fact that

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the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." (In re Fritch 972 F.2d 1260; 23 U.S.P.Q.2D (BNA) 1780 (1992).)

The rejections of the remaining claims should be withdrawn for at least the reasons set forth above.

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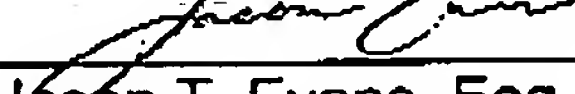
CONCLUSION

In view of the foregoing remarks, the applicant respectfully submits that the pending claims are now in condition for allowance and requests reconsideration of the rejections. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 23-1209.

Respectfully submitted,

Date: November 8, 2006

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